IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2256 OF 2005

Shri Mahadev Narayan Mahadik .. Petitioner

Vs.

State of Maharashtra and Ors. .. Respondents

Ms. Bobby Malhotra for the Petitioner.
Mr. U.V. Nikam, APP for State.

CORAM: S.S. PARKAR & ANOOP V. MOHTA,JJ.

Date : September 21, 2005.

P.C.:

1. Rule. Mr. Nikam, the learned APP waives service of notice of rule on behalf of the respondents. By consent the petition is heard finally.

2. After issuing show cause notice, the Commissioner of Police, Thane had cancelled the licences of the petitioner for running Eating House, Public Entertainment and the Performance by the order dated 8/7/2005. The said order was challenged by the petitioner before the Appellate Authority on 16/7/2005 in which prayer was made for interim stay of the order

of the Respondent No.2 cancelling the licence.

3. A grievance is made in this petition that the Appellate Authority has not so far either heard the appeal or granted interim stay as prayed and, therefore, this petition has been filed. Reliance is placed on the judgment delivered by the Division Bench of this Court in the case of Bhaskar B. Bhosale vs. State of Maharashtra and Ors. reported in **2003 (4) Mh.L.J. 328**. In the said case, in a similar situation, this court had directed the Appellate Authority to pass an appropriate order on the application of the petitioner for stay within four weeks and the impugned order was stayed in the meantime.

4. The present petition is on par with the petition in which the aforesaid order was passed by the Division Bench of this Court and, therefore, this petition can also be disposed of by passing similar order. On behalf of the respondents-State it is stated that time may be given to the Appellate Authority for disposing of the appeal at an early date.

5. We, therefore, direct the Appellate Authority to consider and dispose of the appeal filed by the petitioner against the order of the Commissioner of Police, Thane or consider the prayer for interim stay made in the appeal filed on 16/7/2005 within a period of four weeks from today. Till then the impugned order, so far as running of Eating House i.e. Restaurant and Bar is concerned, shall not be implemented. The petitioner has expressly confined this petition challenging the order cancelling the licence for eating house and public entertainment and not as regards the licence for performance. We, therefore, make it clear that petitioner is not allowed to have any kind of performance in the restaurant. The rule is made absolute accordingly.

(S.S. Parkar,J.)

(Anoop V. Mohta,J.)